

REMARKS

In response to the Office Action dated January 24, 2007, Applicants respectfully request reconsideration of the rejections of the claims. The withdrawal of the previous grounds of rejection is noted with appreciation.

In response to the objection to claim 38, the typographical error noted by the Examiner has been corrected.

Claims 32, 33, 37 and 38 were rejected under 35 U.S.C. § 103, on the basis of the previously-cited Messner patent (US 6,370,514) in view of the newly-cited Hinrichs et al. patent application publication (US 2001/0007098). Claims 34-36 were rejected on the basis of these two references, in view of tertiary references.

In rejecting claim 32, the Office Action acknowledges that the Messner patent does not disclose receiving entry of an authorization code from a user to whom a certificate has been transferred from a purchaser, and determining the identify of the purchaser from the authorization code received from the user. The Office Action goes on to assert that these features of the claimed subject matter are disclosed in the Hinrichs publication, and concludes that it would be obvious to modify the method of the Messner patent to include such features.

For the reasons presented hereinafter, it is respectfully submitted that it would not be obvious to combine the Hinrichs publication with the Messner patent in the manner set forth in the Office Action. Reconsideration and withdrawal of the rejections is therefore respectfully requested.

As pointed out in Applicants' previous response, the Messner patent is directed to a different type of arrangement than the claimed subject matter. In the system of the Messner patent, the recipient of the gift certificate, i.e. the user in the

context of the claims, is known at the time that the original purchase of the certificate is made, so that the certificate can be delivered directly to the recipient. See, for example, column 1, lines 34-42; column 3, lines 11-20; and column 9, lines 1-8. Consequently, the association between the purchaser of the certificate and the recipient of the certificate is established at the time of the original purchase.

The Hinrichs publication is directed to a different type of arrangement. Referring to Figure 1, in that arrangement an organization 100 may decide to send an award to an employee, which entitles that employee to obtain merchandise, up to a specified spending limit. The employee is sent a certificate via an email 102, which includes a code that functions as a password. The code is also sent to a service provider 110, by an email 104. Subsequently, when the employee accesses the merchant's site via a link 106 to redeem the certificate, he or she is required to enter the code. The service provider 110 compares that code with the one provided from the organization 100, to determine if it is valid. If so, an account is established for the employee with the specified spending limit, via which the employee can obtain desired merchandise. See Paragraph [0065], cited in the Office Action.

Thus, in the system of the Hinrichs publication, a determination is made whether a person is authorized to use the certificate to make purchases. This is due to the fact that, prior to redemption of a certificate, the identity of the user is unknown to the merchant. To authorize that person, the organization sends a separate email to the service provider. It is respectfully submitted that there is no reason to employ this type of arrangement in the system of the Messner patent. As discussed above, in that system, the identity of the certificate user is known at the time of the original purchase of the certificate. In fact, the certificate is sent to the user from the

merchant. As such, there is no need to subsequently determine whether the person who is presenting the certificate to make a purchase is authorized to do so. At the time of the original purchase of the certificate, the purchaser has already authorized the user to redeem the certificate.

Accordingly, it is respectfully submitted that it would not be obvious to modify the system of the Messner patent in view of any disclosure in the Hinrichs publication, because there is no reason to do so, absent knowledge of the presently claimed invention. The Hinrichs publication discloses that the provider of a certificate, e.g. the organization, sends a password to both the user and the merchant, so that the merchant can authenticate the user. Because of the different type of transaction that is conducted in the Messner system, there is no need to perform such an authentication. It is respectfully submitted that, absent knowledge of the presently claimed subject matter, a person of ordinary skill in the art would not be motivated to apply the disclosure of the Hinrichs publication to the system of the Messner patent, since they are directed to two entirely different types of transactions.

For at least the foregoing reasons, therefore, it is respectfully submitted that the Messner patent and the Hinrichs publication do not suggest the claimed subject matter to a person of ordinary skill in the art. There is no teaching in either reference that would lead a person to combine them in the manner suggested in the Office Action. The reason for using the code in the Hinrichs publication does not have any applicability to the types of transactions performed in the Messner system.

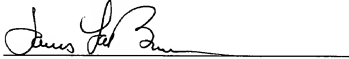
Accordingly, reconsideration and withdrawal of the rejection of claims 32, 33, 37 and 38, based upon the purported combination of the Messner patent and the Hinrichs publication, is respectfully requested. Since the rejections of claims 34-36

are also based upon this purported combination, withdrawal of these rejections is also submitted to be in order.

Respectfully submitted,

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